

HOMELAND SECURITY FOR CHILDREN ACT

APRIL 24, 2017.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McCaul, from the Committee on Homeland Security,
submitted the following

REPOR T

[To accompany H.R. 1372]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security, to whom was referred the bill (H.R. 1372) to amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Homeland Security for Children Act”.

SEC. 2. RESPONSIBILITIES OF THE UNDER SECRETARY FOR STRATEGY, POLICY, AND PLANS.

Paragraph (6) of section 709(c) of the Homeland Security Act of 2002 (6 U.S.C. 349(c)) is amended by inserting “, including feedback from organizations representing the needs of children,” after “stakeholder feedback”.

SEC. 3. TECHNICAL EXPERT AUTHORIZED.

Paragraph (2) of section 503(b) of the Homeland Security Act of 2002 (6 U.S.C. 313(b)) is amended—

- (1) in subparagraph (G), by striking “and” at the end;
- (2) in subparagraph (H), by striking the period at the end and inserting “; and”;
- (3) by adding at the end the following new subparagraph:

“(I) identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters, including catastrophic incidents, including by appointing a technical expert, who may consult with relevant outside organizations and experts, as necessary, to coordinate such integration, as necessary.”.

SEC. 4. REPORT.

Not later than one year after the date of the enactment of this Act and annually thereafter for five years, the Under Secretary for Strategy, Policy, and Plans of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the efforts the Department has undertaken to review and incorporate feedback from organizations representing the needs of children into Department policy in accordance with paragraph (6) of section 709(c) of the Homeland Security Act of 2002 (as added by section 2 of this Act), including information on the following:

- (1) The designation of any individual responsible for carrying out such paragraph (6).
- (2) Any review, formal or informal, of Department policies, programs, or activities to assess the suitability of such policies, programs, or activities for children and where feedback from organizations representing the needs of children should be reviewed and incorporated.
- (3) Any review, change, modification, or promulgation of Department policies, programs, or activities to ensure that such policies, programs, or activities are appropriate for children.
- (4) Coordination with organizations or experts outside the Department pursuant to such paragraph (6) conducted to inform any such review, change, modification, or promulgation of such policies, programs, or activities.

PURPOSE AND SUMMARY

The purpose of H.R. 1372 is to amend the Homeland Security Act of 2002 to ensure that the needs of children are considered in homeland security planning.

BACKGROUND AND NEED FOR LEGISLATION

The Subcommittee on Emergency Preparedness, Response and Communications held a hearing on February 14, 2017, to receive testimony from stakeholders on the future of the Federal Emergency Management Agency (FEMA). At this hearing, Members of the Subcommittee heard testimony relaying the importance of integrating the needs of children into emergency plans. This point was reinforced during the Subcommittee’s February 28, 2017 hearing when former FEMA Administrators noted the importance of integrating the needs of special populations into emergency plans and procedures. H.R. 1372 seeks to ensure that the needs of children are considered in homeland security planning. Specifically, the bill authorizes a technical expert at FEMA to identify and integrate the

needs of children into preparedness, response, recovery, and mitigation activities. The bill would also include the consideration of children's needs into Departmental policy through the Office of Strategy, Policy, and Plans.

HEARINGS

No hearings were held on H.R. 1372 in the 115th Congress. However, this legislation was informed by the following Committee hearings:

On February 14, 2017, the Subcommittee on Emergency Preparedness, Response, and Communications entitled "The Future of FEMA: Stakeholder Recommendations for the Next Administrator." The Subcommittee received testimony from Captain Chris A. Kelenske, Deputy State Director/Commander, Emergency Management and Homeland Security, Michigan State Police, *testifying on behalf of the National Governors Association*; Chief John Sinclair, Fire Chief, Kittitas Valley Fire and Rescue (WA), *testifying on behalf of the International Association of Fire Chiefs*; and Richard F. Bland, J.D., M.T.S. National Director, Policy, Advocacy and Development, Save the Children.

The Homeland Security for Children Act was further informed by a Subcommittee on Emergency Preparedness, Response, and Communications hearing on February 28, 2017, entitled "The Future of FEMA: Recommendations of Former Administrators." The Subcommittee received testimony from Hon. W. Craig Fugate, Former Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security; and Hon. R. David Paulison, Former Administrator, Federal Emergency Management Agency, U.S. Department of Homeland Security.

COMMITTEE CONSIDERATION

The Committee met on March 8, 2017, to consider H.R. 1372, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote. The Committee took the following actions:

The following amendments were offered:
An Amendment in the Nature of a Substitute offered by MR. PAYNE (#1); was AGREED TO, as amended, by voice vote.

An amendment by MR. PAYNE to the Amendment in the Nature of a Substitute (#1A); was AGREED TO by voice vote.

Page 2, line 19, strike "identify" and insert "review".

Page 2, line 20, strike "integrate" and insert "incorporate feedback from organizations representing".

Page 2, line 20, strike "the Department's" and insert "Department".

Page 2, line 21, strike "policies, programs, and activities" and insert "policy".

Page 2, line 22, strike "(4)" and insert "(6)".

Page 3, line 2, strike "(4)" and insert "(6)".

Page 3, beginning line 3, strike "any policies, programs, or activities of the Department under such paragraph (4)" and insert "Department policies, programs, or activities".

Page 3, line 6, insert before the period at the end the following: "and where feedback from organizations representing the needs of children should be reviewed and incorporated".

Page 3, line 7, strike “such”.

Page 3, line 8, strike “any such” and insert “Department”.

Page 3, line 13, strike “(4)” and insert “(6)”.

COMMITTEE VOTES

Clause 3(b) of Rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report legislation and amendments thereto.

No recorded votes were requested during consideration of H.R. 1372.

COMMITTEE OVERSIGHT FINDINGS

Pursuant to clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee has held oversight hearings and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives, the Committee finds that H.R. 1372, the Homeland Security for Children Act, would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

The Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 21, 2017.

Hon. MICHAEL McCaul,
Chairman, Committee on Homeland Security,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1372, the Homeland Security for Children Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Robert Reese.

Sincerely,

MARK P. HADLEY
(For Keith Hall, Director).

Enclosure.

H.R. 1372—Homeland Security for Children Act

H.R. 1372 would require the Federal Emergency Management Agency (FEMA) to identify and integrate children’s needs when preparing for, responding to, recovering from, and mitigating against natural disasters, acts of terrorism, and other manmade disasters. The bill would authorize FEMA to appoint a technical expert on children’s needs to coordinate the integration of the bill’s

requirements. The bill also would direct the Department of Homeland Security (DHS) to submit to the Congress an annual report describing the agency's efforts to integrate children's needs into DHS policies.

Based on information provided by DHS, CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting the legislation would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 1372 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 1372 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Robert Reese. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, H.R. 1372 contains the following general performance goals and objectives, including outcome related goals and objectives authorized.

This legislation intends to ensure the needs of children are met during emergencies. H.R. 1372 authorizes a children's needs technical expert within FEMA that is responsible for ensuring the integration of the needs of children in activities to prepare for, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters.

DUPLICATIVE FEDERAL PROGRAMS

Pursuant to clause 3(c) of Rule XIII, the Committee finds that H.R. 1372 does not contain any provision that establishes or reauthorizes a program known to be duplicative of another Federal program.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with Rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the Rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

PREEMPTION CLARIFICATION

In compliance with section 423 of the Congressional Budget Act of 1974, requiring the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt State, local, or Tribal law,

the Committee finds that H.R. 1372 does not preempt any State, local, or Tribal law.

DISCLOSURE OF DIRECTED RULE MAKINGS

The Committee estimates that H.R. 1372 would require no directed rule makings.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short Title.

This section provides that this bill may be cited as the “Homeland Security for Children Act”.

Sec. 2. Responsibilities of the Under Secretary for Strategy, Policy, and Plans.

This section amends section 709(c)(6) of the Homeland Security Act of 2002 (Pub. L. 107-296). Paragraph 6, as currently written, requires the Under Secretary for Strategy, Policy, and Plans to “review and incorporate, as appropriate, external stakeholder feedback into Department policy.” This section inserts “including feedback from organizations representing the needs of children” after “stakeholder feedback” to ensure information on the needs of children is considered.

Sec. 3. Technical Expert Authorized.

This section amends section 503(b) of the Homeland Security Act of 2002 to include, within the activities of the Federal Emergency Management Agency, the identification and integration of the needs of children into preparedness, response, mitigation, and recovery plans, including through the appointment of a technical expert, as necessary.

Sec. 4. Report.

This section requires the Under Secretary for Strategy, Policy, and Plans to submit a report to the House Committee on Homeland Security and Senate Committee on Homeland Security and Governmental Affairs within one year of enactment detailed efforts taken to address the needs of children in Department policy. The report should include details on the action taken to solicit feedback from organizations representing the needs of children. Additionally, the report should provide information on the progress made incorporating the needs of children in Department policies and programs.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

HOMELAND SECURITY ACT OF 2002

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TITLE VII—MANAGEMENT

* * * * *

SEC. 709. OFFICE OF STRATEGY, POLICY, AND PLANS.

(a) IN GENERAL.—There is established in the Department an Office of Strategy, Policy, and Plans.

(b) HEAD OF OFFICE.—The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—The Under Secretary for Strategy, Policy, and Plans shall—

(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;

(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 707;

(4) manage Department leadership councils and provide analytics and support to such councils;

(5) manage international coordination and engagement for the Department;

(6) review and incorporate, as appropriate, external stakeholder feedback, *including feedback from organizations representing the needs of children*, into Department policy; and

(7) carry out such other responsibilities as the Secretary determines appropriate.

(d) DEPUTY UNDER SECRETARY.—

(1) IN GENERAL.—The Secretary may—

(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary's responsibilities; and

(B) appoint a career employee to such position.

(2) LIMITATION ON ESTABLISHMENT OF DEPUTY UNDER SECRETARY POSITIONS.—A Deputy Under Secretary position (or any

substantially similar position) within the Office of Strategy, Policy, and Plans may not be established except for the position provided for by paragraph (1), unless the Secretary receives prior authorization from Congress.

(3) DEFINITIONS.—For purposes of paragraph (1)—

- (A) the term “career employee” means any employee (as such term is defined in section 2105 of title 5, United States Code), but does not include a political appointee; and
- (B) the term “political appointee” means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

(e) COORDINATION BY DEPARTMENT COMPONENTS.—To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance with respect to each such component.

(f) HOMELAND SECURITY STATISTICS AND JOINT ANALYSIS.—

(1) HOMELAND SECURITY STATISTICS.—The Under Secretary for Strategy, Policy, and Plans shall—

- (A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;
- (B) be provided by the heads of all components of the Department with statistical data maintained by the Department regarding the operations of the Department;
- (C) conduct or oversee analysis and reporting of such data by the Department as required by law or as directed by the Secretary; and
- (D) ensure the accuracy of metrics and statistical data provided to Congress.

(2) TRANSFER OF RESPONSIBILITIES.—There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and United States Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled “Yearbook of Immigration Statistics” prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.

(g) LIMITATION.—Nothing in this section overrides or otherwise affects the requirements specified in section 888.

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SECTION 503 OF THE HOMELAND SECURITY ACT

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SEC. 503. FEDERAL EMERGENCY MANAGEMENT AGENCY.

(a) IN GENERAL.—There is in the Department the Federal Emergency Management Agency, headed by an Administrator.

(b) MISSION.—

(1) PRIMARY MISSION.—The primary mission of the Agency is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation.

(2) SPECIFIC ACTIVITIES.—In support of the primary mission of the Agency, the Administrator shall—

(A) lead the Nation's efforts to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(B) partner with State, local, and tribal governments and emergency response providers, with other Federal agencies, with the private sector, and with nongovernmental organizations to build a national system of emergency management that can effectively and efficiently utilize the full measure of the Nation's resources to respond to natural disasters, acts of terrorism, and other man-made disasters, including catastrophic incidents;

(C) develop a Federal response capability that, when necessary and appropriate, can act effectively and rapidly to deliver assistance essential to saving lives or protecting or preserving property or public health and safety in a natural disaster, act of terrorism, or other man-made disaster;

(D) integrate the Agency's emergency preparedness, protection, response, recovery, and mitigation responsibilities to confront effectively the challenges of a natural disaster, act of terrorism, or other man-made disaster;

(E) develop and maintain robust Regional Offices that will work with State, local, and tribal governments, emergency response providers, and other appropriate entities to identify and address regional priorities;

(F) under the leadership of the Secretary, coordinate with the Commandant of the Coast Guard, the Director of Customs and Border Protection, the Director of Immigration and Customs Enforcement, the National Operations Center, and other agencies and offices in the Department to take full advantage of the substantial range of resources in the Department;

(G) provide funding, training, exercises, technical assistance, planning, and other assistance to build tribal, local, State, regional, and national capabilities (including communications capabilities), necessary to respond to a natural disaster, act of terrorism, or other man-made disaster; **[and]**

(H) develop and coordinate the implementation of a risk-based, all-hazards strategy for preparedness that builds those common capabilities necessary to respond to natural disasters, acts of terrorism, and other man-made disasters

while also building the unique capabilities necessary to respond to specific types of incidents that pose the greatest risk to our Nation[.]; and

(I) identify and integrate the needs of children into activities to prepare for, protect against, respond to, recover from, and mitigate against the risk of natural disasters, acts of terrorism, and other manmade disasters, including catastrophic incidents, including by appointing a technical expert, who may consult with relevant outside organizations and experts, as necessary, to coordinate such integration, as necessary.

(c) ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator shall be appointed by the President, by and with the advice and consent of the Senate.

(2) QUALIFICATIONS.—The Administrator shall be appointed from among individuals who have—

(A) a demonstrated ability in and knowledge of emergency management and homeland security; and

(B) not less than 5 years of executive leadership and management experience in the public or private sector.

(3) REPORTING.—The Administrator shall report to the Secretary, without being required to report through any other official of the Department.

(4) PRINCIPAL ADVISOR ON EMERGENCY MANAGEMENT.—

(A) IN GENERAL.—The Administrator is the principal advisor to the President, the Homeland Security Council, and the Secretary for all matters relating to emergency management in the United States.

(B) ADVICE AND RECOMMENDATIONS.—

(i) IN GENERAL.—In presenting advice with respect to any matter to the President, the Homeland Security Council, or the Secretary, the Administrator shall, as the Administrator considers appropriate, inform the President, the Homeland Security Council, or the Secretary, as the case may be, of the range of emergency preparedness, protection, response, recovery, and mitigation options with respect to that matter.

(ii) ADVICE ON REQUEST.—The Administrator, as the principal advisor on emergency management, shall provide advice to the President, the Homeland Security Council, or the Secretary on a particular matter when the President, the Homeland Security Council, or the Secretary requests such advice.

(iii) RECOMMENDATIONS TO CONGRESS.—After informing the Secretary, the Administrator may make such recommendations to Congress relating to emergency management as the Administrator considers appropriate.

(5) CABINET STATUS.—

(A) IN GENERAL.—The President may designate the Administrator to serve as a member of the Cabinet in the event of natural disasters, acts of terrorism, or other manmade disasters.

(B) RETENTION OF AUTHORITY.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary under this Act.

COMMITTEE CORRESPONDENCE



**Committee on Transportation and Infrastructure
U.S. House of Representatives**

Bill Shuster
Chairman

Washington, DC 20515

Peter A. DeFazio
Ranking Member

March 10, 2017

Matthew M. Sturges, Staff Director

Katherine W. Derrick, Dermawati McCollum

The Honorable Michael T. McCaul
Chairman
Committee on Homeland Security
H2-176 Ford House Office Building
Washington, DC 20515

Dear Chairman McCaul:

I write concerning H.R. 1372, the "Homeland Security for Children Act." This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite Floor consideration of H.R. 1372, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest in the *Congressional Record* during House Floor consideration of the bill. I look forward to working with the Committee on Homeland Security as the bill moves through the legislative process.

Sincerely,

Bill Shuster
Chairman

cc: The Honorable Paul D. Ryan
The Honorable Peter A. DeFazio
The Honorable Bennie G. Thompson
Mr. Thomas J. Wickham, Jr., Parliamentarian

MICHAEL T. McCaul, TEXAS
Chairman

BENNIE G. THOMPSON, MISSISSIPPI
Ranking Member



One Hundred Fifteenth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515
March 16, 2017

The Honorable Bill Shuster
Chairman, Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Shuster,

Thank you for your letter regarding H.R. 1372, the "Homeland Security for Children Act". I appreciate your support in bringing this legislation before the House of Representatives, and accordingly, understand that the Committee on Transportation and Infrastructure will waive further consideration of the bill.

The Committee on Homeland Security concurs with the mutual understanding that by foregoing a action on this bill at this time, the Committee on Transportation and Infrastructure does not waive any jurisdiction over the subject matter contained in this bill or similar legislation in the future. In addition, should a conference on this bill be necessary, I would support your request to have the Committee on Transportation and Infrastructure represented on the conference committee.

I will insert copies of this exchange in the *Congressional Record* during consideration of this bill on the House floor. I thank you for your cooperation in this matter.

Sincerely,

MICHAEL T. McCaul
Chairman
Committee on Homeland Security

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Bennie G. Thompson, Ranking Member, Committee on Homeland Security
The Honorable Peter A. DeFazio, Ranking Member, Committee on Transportation and Infrastructure
Mr. Thomas J. Wickham, Parliamentarian

